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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,826

02/20/2004

Mark Seton Chapman

0460-0230P

4149

2292 7590 06/02/2008  
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EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

06/02/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/781,826	<b>Applicant(s)</b> CHAPMAN, MARK SETON	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. Applicant's amendment received on February 6<sup>th</sup> 2008 has been fully considered and entered, but the arguments are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6, 8-13, 15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson et al. (US Patent no. 7,151,448) in view of Ichige et al. (US Patent Application Publication no. 2003/0002861).

Regarding claim 1, 12 and 20, Henderson discloses a system for remotely recording changes to a particular landscape, the system including a digital imaging device (See col. 1, lines 63-67 and col. 2, lines 1); a processor in communication with a memory means and with the digital imaging device (See col. 3, lines 62-67); a battery electrically connected to the processor and the digital imaging device (See col. 2, lines 63-64).

It is noted that while Henderson discloses acquiring a landscape image to transmit the image to a remote processor (See Henderson col. 6, lines 63-65 and col. 2,

lines 3-4), it is silent about a controller electrically disposed intermediate the battery and the digital imaging device and the processor, the controller being configured to isochronally provide power from the battery to the processor and digital imaging device to enable the digital imaging device, when a stationary, to acquire a landscape image which is communicated to the processor which in turns transmits the image to a remote processor.

However, Ichige discloses a controller electrically disposed intermediate the battery and the digital imaging device and the processor, the controller being configured to isochronally provide power from the battery to the processor and digital imaging device to enable the digital imaging device, when a stationary, to acquire a landscape image which is communicated to the processor which in turns transmits the image to a remote processor (See Ichige fig. 1, controller 6, battery 5 and video input 1 and paragraph 0044).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Anderson's battery arrangement by providing Ichige's teachings where the controller is intermediate the battery and the digital imaging device and the processor, the controller being configured to isochronally provide power from the battery to the processor and digital imaging device to enable the digital imaging device, when a stationary, to acquire a landscape image which is communicated to the processor which in turns transmits the image to a remote processor. The motivation for performing such a modification in Anderson is to be able

to control the power quantity supplied to the recorder and to determine how long the recorder can operate as taught by Ichige et al. (See paragraph [0020, lines 1-6]).

As per claims 2, 13, and 15, while Henderson is silent about an electronic timer as claimed, Ichige provides a timer and switch for providing power to the processor and the digital image (See Ichige fig. 4, timer 41 and paragraph [0052]).

Therefore, it is considered obvious that one skilled in the time of the invention would recognize the advantage of modifying Henderson's battery in the system for remote recording by incorporating Ichige's timer. The motivation for performing such a modification in Henderson is to fetch information about a current time of timelapse.

As per claims 10 and 18, most of the limitations of these claims have been noted in the above rejection of claims 1 and 12. In addition, Henderson further discloses disposing its system adjacent a construction site or farmland to acquire landscape images thereof (See col. 6, lines 63-67 and col. 7, line 1).

Regarding claims 8-9 and 12, most of the limitations of these claims have been noted in the above rejection of claim 1.

It is noted that Henderson does not specifically proposes disconnecting the electrical power to the imaging device and the processor as claimed.

However, Ichige proposes a power switch which can be used for disconnecting the electrical power (See Ichige paragraph [0046]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Henderson's battery configuration by incorporating Ichige's teachings where the electrical power to the imaging device is disconnected. The motivation for performing such a modification in Henderson is to either enable or disable the operating state.

4. Claims 3-5, 7, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson and Ichige as applied to claims 2 and 12 above, and further in view of LeClerc et al. (US Patent no. 6963662).

As per claims 3-5, 7, 14, and 17, most of the limitations of these claims have been noted in the above rejection of claims 2 and 12.

It is noted that while the combination of Henderson and Ichige proposes using a modem and wireless connections, it is silent about providing a portable computer for communication purpose as specified in the claims.

However, LeClerc discloses a system for recording landscape including a portable computer with a processor, a memory, a modem for communication purpose (See LeClerc col. 14, lines 37-65).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Henderson and Ichige by incorporating LeClerc's laptop/pda in the system for recording landscaping changes.

The motivation for performing such a modification in Lareau is to facilitate landmark/farmland observation from anywhere once a web address is known.

5. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson and Ichige as applied to claims 1 and 12 above, and further in view of Stepanik et al. (US Patent no. 7080544).

Regarding claims 6 and 16, most of the limitations of these claims have been noted in the above rejections of claims 1 and 12.

It is noted that the combination of Henderson and Ichige is silent about providing one or more solar panels electrically connected to provide power as specified in the claims.

However, Stepanik discloses a remote monitoring system including one or more solar panels electrically connected to provide power (See Stepanik col. 13, lines 57-67 and col. 14, lines 1-11).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Henderson and Ichige's remote recording system by incorporating Stepanik's one or more solar panels electrically connected to provide power. The motivation for performing such a modification is to maintain lower power consumption as taught by Stepanik (See Stepanik col. 14, lines 1-11).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe  
Primary Examiner  
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